

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**PHILIP PIDOT, NANCY HAWKINS and
STEVEN AXELMAN, individually and as
representatives of eligible Republican party voters
in Suffolk, Nassau and Queens Counties within
New York's Third Congressional District,**

Plaintiffs,

v.

**1:16-CV-859
(FJS/CFH)**

**NEW YORK STATE BOARD OF ELECTIONS;
SUFFOLK COUNTY BOARD OF ELECTIONS;
NASSAU COUNTY BOARD OF ELECTIONS;
BOARD OF ELECTIONS IN THE CITY OF
NEW YORK; PETER KOSINSKI and
DOUGLAS KELLNER, in their official capacities
as Commissioners and Co-Chairs of the New York
State Board of Elections; ANDREW J. SPANO
and GREGORY P. PETERSON, in their official
capacities as Commissioners of the New York
State Board of Elections; TODD D. VALENTINE
and ROBERT A. BREHM, in their official
capacities as Co-Executive Directors of the New
York State Board of Elections; and JACK
MARTINS,**

Defendants.

APPEARANCES

**STROOCK & STROOCK &
LAVAN LLP**
180 Maiden Lane
New York, New York 10038
Attorneys for Plaintiffs

OF COUNSEL

**DAVID V. SIMUNOVICH, ESQ.
JAMES L. BERNARD, ESQ.
JERRY H. GOLDFEDER, ESQ.**

**OFFICE OF SPECIAL COUNSEL
NEW YORK STATE BOARD OF
ELECTIONS**

40 North Pearl Street, Suite 5
Albany, New York 12207-2729
Attorneys for Defendants New York
State Board of Elections, Peter Kosinski,
Douglas Kellner, Andrew J. Spano,
Gregory P. Peterson, Todd D. Valentine,
and Robert A. Brehm

BRIAN L. QUAIL, ESQ.

**NEW YORK STATE BOARD
OF ELECTIONS**

40 Steuben Street
Albany, New York 12207
Attorneys for Defendant New York
State Board of Elections, Peter Kosinski,
Douglas Kellner, Andrew J. Spano,
Gregory P. Peterson, Todd D. Valentine,
and Robert A. Brehm

WILLIAM J. MCCANN, JR., ESQ.

DEROHANNESIAN & DEROHANNESIAN

677 Broadway, Suite 707
Albany, New York 12207
Attorneys for Defendant Jack Martins

**DANIELLE R. SMITH, ESQ.
PAUL DEROHANNESIAN, II, ESQ.**

**SUFFOLK COUNTY BOARD OF
ELECTIONS**

**NASSAU COUNTY BOARD OF
ELECTIONS**

**BOARD OF ELECTIONS IN THE
CITY OF NEW YORK**

SCULLIN, Senior Judge

ORDER

On July 21, 2016, Plaintiffs filed a motion in which they requested that the Court allow them to proceed by Order to Show Cause and in which they also sought a new election. In light of the

relief that Plaintiffs seek in their complaint and in their pending motion, the Court concludes that an expedited schedule for this motion is warranted. Therefore, the Court **grants** Plaintiffs' request to proceed by Order to Show Cause.

Accordingly, the Court hereby

ORDERS that Plaintiffs serve a copy of this Order, together with the papers that Plaintiffs filed in support of their request to proceed by Order to Show Cause and for a new election, on Defendants in accordance with the Federal Rules of Civil Procedure and the Local Rules for the Northern District of New York on or before **12:00 p.m. on July 26, 2016**; and the Court further

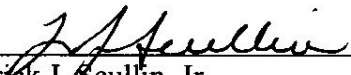
ORDERS that Defendants shall file and serve their opposition to Plaintiffs' motion on or before **Friday, August 5, 2016**; and the Court further

ORDERS that Plaintiffs shall file and serve their reply in further support of their motion on or before **Wednesday, August 10, 2016**; and the Court further

ORDERS that counsel shall appear for oral argument in support of and in opposition to Plaintiffs' motion on **Wednesday, August 17, 2016, at 2:00 p.m.** at the **James Hanley U.S. Courthouse & Federal Building, 12th Floor, 100 South Clinton Street, Syracuse, New York.**

IT IS SO ORDERED.

Dated: July 25, 2016
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge